

MISSOURI WELL INSTALLATION BOARD MEETING
August 5, 2011
Missouri Department of Natural Resources
Division of Geology and Land Survey
111 Fairgrounds Road
Rolla, MO

OPEN MINUTES

The regular meeting of the Well Installation Board was held on August 5, 2011, at the Division of Geology and Land Survey, Rolla, MO. A quorum being present, Mr. Robert Lawrence, Chairman, called the meeting to order at 10:04 a.m.

Board Members Present: Mr. Robert Lawrence, Chairman; Mr. Robert Broz, Mr. Bill Duley, Mr. Danny Flynn, Ms. Sharlene Morgan

Board Member Participating Via Conference Call: Ms. Annetta St. Clair

Board Members Absent: Mr. Fred Schoen

Legal Counsel Present: Ms. Jenny Frazier, Assistant Attorney General

Guests Present: Gerald Buechting, Missouri Water Well Association (MWWA); Lindell Lindsey, A & M Pump; Dylan Hall, Sunbelt; Kaley Erwin, Petroleum Storage Tank Insurance Fund (PSTIF); Brad Rayburn, Missouri Rural Water Association (MRWA), Mr. Neal Farrar, Sunbelt

DNR Staff Present: Mr. Jerry Prewett, Ms. Beth Marsala, Ms. Sheri Fry, Ms. Connie Edwards, Ms. Molly Starkey

INTRODUCTION

Mr. Lawrence welcomed everyone to the meeting and introduced himself. He asked the Board to introduce themselves, followed by staff and the audience.

MINUTES OF THE MAY 13, 2011 BOARD MEETING

The Chair asked if there were any corrections to the minutes from the May 13, 2011, meeting. Mr. Broz moved to accept the minutes. Mr. Danny Flynn seconded the motion. Motion carried.

PROGRAM UPDATE

The Chair recognized Mr. Jerry Prewett

Mr. Prewett welcomed new board member Ms. Charlene Morgan. Mr. Prewett announced Ms. Beth Marsala's retirement effective September 1, 2011, and expressed his appreciation for her years of service. Mr. Prewett said in his opinion, the MWWA will be getting a very bright worker with good work ethic. Mr. Prewett also made mention of House Bill 250 that allows some charitable and benevolent organizations to have wells drilled to multi-family standards under some circumstances.

SECTION UPDATE

The Chair recognized Ms. Beth Marsala who discussed the following:

Ms. Marsala introduced new employee, geologist Molly Starkey. The program also hired a new data entry clerk who will be introduced to the Board at the November meeting.

Staff planned and held first annual Water Well Technology Conference on July 29, 2011. It was well attended. Tom Cristopherson was the featured speaker. He spoke about the Nebraska grout study. John Shoemaker, USGS, spoke about borehole physics and packer testing and Jim Vandike spoke about conducting pump tests.

Since the new monitoring well rules take effect July 30, 2011, staff have been working on updating Well Information Management System (WIMS) to take into consideration all the data entry for the new rules. The section has also begun the planning phase of the online entry for both monitoring well certification and registration of abandoned monitoring wells with PISTIF.

Staff have finalized the penalty assessment policy.

The Public Water Supply System (PWSS) database, how we track reporting from the public water supplies around the state, has been completely updated.

Staff have started checking variances received in 2005 to see if records and fees have been received. Letters went out to those that requested a variance but did not submit a record.

The field unit purchased a new down-hole camera.

FUND UPDATE

The Chair recognized Ms. Beth Marsala who presented an overview of section's fund for fiscal year 2011 (FY-11) ending June 30, 2011.

- *FY-11 Beginning balance \$110,000

- *Current balance \$310,850

- *FY-11 Revenue \$888,267
- *Water well certifications \$236,833
- *Monitoring well certifications \$152,045
- *Heat pump records \$78,300
- *Reconstruction records \$5,150
- *Abandonment registrations \$112,410
- *Permitting and exams \$255,969
- *Late fees for permits and forms \$44,883
- *Misc \$3,037
- *Total expenses \$671,848

PERMIT APPEALS

The Chair recognized Mr. Neal Farrar on behalf of Mr. Dylan Hall, both of Sunbelt Environmental who appealed the apprenticeship requirements. After discussion, Mr. Flynn made a motion to accept staff recommendation. Mr. Broz seconded the motion. Motion carried.

The Chair recognized Ms. Sheri Fry who introduced Mr. Ryan Huston, Buffalo Creek Water Systems LLC, and his appeal to the current apprentice rule. Staff recommended Mr. Huston be re-permitted as a pump installation contractor and the financial responsibility be waived. Mr. Flynn made a motion to accept staff recommendation to allow Mr. Huston to be re-permitted since he is permitted in Arkansas and Oklahoma. Mr. Broz seconded the motion. Motion carried.

APPEALS

The Chair recognized Mr. Jerry Prewett

Mr. Prewett updated the Board on Gary Troxell's abandoned well appeal.

RULE UPDATES

The Chair recognized Ms. Sheri Fry who updated the Board on the status of the following proposed rule changes:

Monitoring Well Rule – The entire chapter became effective on July 30, 2011. New copies of the rule were mailed to all companies and can be found on the section's web page.

Disciplinary Action & Appeals – This rule is currently with the Department's legal counsel. Staff are waiting for approval to send for Inter-agency Review for their review and comments. Other agencies will have a 30 day period to submit their comments. Staff is requesting the Board direct them to file this rule if no comments are received during that time frame. After filing, there will be a public hearing which is the formal comment period where people may comment on the rule. Mr. Broz made a motion to

accept staff's recommendation. Mr. Duley seconded the motion. Motion carried. The Board signed a Finding of Necessity form to carry out this rule.

Heat Pump Rule – Ms. Marsala gave a power point presentation on the department's new proposal for grouting heat pump wells. The proposal would require all vertical closed loop heat pump installations, regardless of depth, to be tremie grouted full length with thermal grout. Staff are recommending this change to the current proposed rule as it will be most protective of groundwater. After discussion, Ms. St. Clair made a motion asking staff to provide more information from all sources and present it to the board at the November meeting so the Board can make a more informed decision on this matter. Mr. Broz seconded the motion. Motion carried.

Apprentice Rule – Ms. Fry presented, as requested by the board at the last meeting, recommended changes to this proposed rule to address issues that were being experienced by staff. Staff recommendations include:

Twenty five installations are required for water well and pump installations before the apprentice can go out on his own; however, staff recommends that if the apprentice performs installations and submits required forms on ten community wells, the apprentice may submit proof of financial responsibility for the remainder of the apprenticeship. At that time, they would be allowed to work on their own until their two year apprenticeship is completed. This recommendation would also apply to pump installations in community wells.

Staff recommends that if an apprentice wants to serve their apprenticeship under more than one company, they must submit an application and fee for each company.

If a person was previously permitted and submitted twenty-five forms during that period and is applying to be re-permitted for the same type of permit, staff recommends they be re-permitted without an apprenticeship. However they must pass the appropriate test. If they meet the other criteria above but have not submitted the twenty-five forms, they must pass the test, submit proof of financial responsibility and pre-notify for one year.

If a person was previously permitted and applies to be re-permitted for a different type of permit, they must pass the test, submit proof of financial responsibility and pre-notify for one year.

If a person is currently permitted and applies for a different type of permit, they must pass the test, submit proof of financial responsibility and pre-notify for one year.

If a person from another state applies for a permit in Missouri, they must be an apprentice. If they have no experience, they must be an apprentice. Any person

described above who chooses not to submit the required financial proof of responsibility and pre-notify would have the option to be an apprentice.

Clarification on the pre-notification: There is required location and owner information to submit. The pre-notification would be required for a full year from the date the permit is issued. At this point, they would not be required to pre-notify.

Currently, people can retake the test several times. They are required to pay for the test every time. The proposed rule states that people cannot retest for 30 days. The Board recommended staff allow the test to be taken a second time in the same day as long as time allows and then they must wait the required time period in order to retest.

The non-restricted permittee on site with the apprentice during installations, must have the same type of permit the apprentice is applying for.

Staff asked the Board for direction to move forward with filing this rule with the Secretary of State's office. There will be a formal comment period from the filing date until a few days after the public hearing date. Mr. Flynn made a motion for staff to proceed with the changes for the apprenticeship rule and for staff to move forward after the changes are made. Mr. Broz seconded the motion. Motion carried.

ENFORCEMENT UPDATE

The Chair recognized Ms. Sheri Fry

Ms. Fry gave an FY-11 enforcement update. During that time, the program received:

- *2,883 water well records
- *1,277 pump records
- *1,618 monitoring well records
- *777 heat pump records
- *2,309 abandonment records
- *94 reconstruction records

Staff processed 151 casing point requests; 331 variance requests and received 10,702 incoming calls. Staff worked 318 cases (majority were for failure to submit form or fee); resolved 292 cases; issued 10 Notices of Violation (NOV) (most were for operating without a permit) and resolved 18 NOVs. Staff entered into 10 probationary agreements with contractors which require pre-notification for any work they do. Two permits were suspended; 131 permits were not renewed (due to various reasons); issued nine press releases; submitted four orders of abandonment; and submitted four referrals to the Attorney General's office for possible litigation and entered into four settlement agreements to resolve previous referrals.

MISSOURI WATER WELL ASSOCIATION COMMENTS

The Chair recognized Mr. Gerald Buechting

Mr. Buechting informed the board that, the MWWA hired Beth Marsala as their new business manager. Mr. Buechting was concerned about the proposed changes to the heat pump rule and was thankful the Board decided to postpone until more information was gathered.

OTHER BUSINESS

Ms. Marsala updated the Board regarding HB 250 which passed and will become effective on August 28, 2011, which allows charitable and benevolent organizations with less than 100 members to drill their wells to multi-family standards.

PUBLIC COMMENT AND CONCERNS

None

FUTURE MEETINGS

The Board approved holding an open session meeting on Monday, February 20, 2012, at 10:00 a.m., at the Missouri Water Well Association Convention at the Country Club Hotel in Lake Ozark, MO. The motion was made by Mr. Flynn and seconded by Mr. Broz. Motion carried with a unanimous voice vote.

Mr. Broz made a motion that the Well Installation Board meet in closed session at 9:30 a.m. at the next regular board meeting for the purpose of discussing matters protected from disclosure by law as provided for in Section 610.021, RSMo., including but not limited to: legal actions, pending litigation, and attorney-client privileged matters with the Board attorney. The motion was seconded by Mr. Flynn. A roll call vote was taken as follows: Mr. Broz, yes; Mr. Duley, yes; Mr. Flynn, yes; Ms. Morgan, yes; Ms. St. Clair, yes; Mr. Lawrence, yes. Motion carried.

ADJOURNMENT

Mr. Broz moved that the meeting be adjourned. Mr. Flynn seconded. Motion carried. Meeting adjourned at 11:45 a.m.